Supreme Court, U. S.
FILED
SEP 13 1978
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court Of The Uinted States

October Term, 1978

78-444

RACHEL AUDREY RONK AND
LUCILLE ROSE ..... *Petitioners,*

v.

RAYMOND G. AHLERT AND
WILMA G. AHLERT ..... *Respondents.*

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ARKANSAS

FRANKLIN WILDER
Counsel for Petitioners
715 First National Bank Building
Fort Smith, Arkansas 72901

YOES PRINTING & LITHOGRAPHING COMPANY, FORT SMITH, ARKANSAS

INDEX

Page

Petition for Writ 1

Jurisdiction 1

Questions Presented 2

Statutory Provision Involved 3

Constitutional Provision Involved 3

Statement 4

Reasons for Granting Writ 6

Conclusion 15

Appendix A — Opinion of Supreme Court of Arkansas 16

Appendix B — Order Denying Petition for Rehearing 19

Appendix C — Title 42, U.S.C. Sec. 1982 20

Appendix D — 14th Amendment to U. S. Constitution 21

Appendix E — Ark. Stats., Sec. 34-1905, 1907, 1919 . 22

CITATIONS

CASES:

Beardsley v. Hill, 106 S.W. 1169 7

Bradley v. St. Louis Terminal Whse. Co., 189 Fed. (2) 818 7

Brizzolara v. Ft. Smith, 112 S.W. 181 13

Congress of Racial Equality v. Douglas, 318 Fed. (2) 95 12

Earle v. McVeigh, 91 U.S. 503 9

Greene v. Biddle, 21 U.S. 1 10

Hale v. Finch, 104 U.S. 261 9

Hall v. Melvin (Ark.) 35 S.W. 1109 7

Holiday Inns v. B & B Corp., 409 Fed. (2) 614 13

Hormsby v. U. S., 77 U.S. 224 10

Kilbourn v. Thompson, 103 U. S. 168 9

Oyama v. State of California, 332 U. S. 633 7

Ransom v. Williams, 699 U. S. 313 10

Sierra Club v. Mason, 365 F. Supp. 47 13

Stahl v. Sibeck, (Ark.) 40 S.W. (2) 442 7

U. S. Lutz, 295 Fed. (2) 736 10

STATE STATUTES:

Ark. Stats. Sec. 34 1905, 1907, 1919 10

IN THE

Supreme Court Of The Uinted States

October Tern, 1978

RACHEL AUDREY RONK AND
LUCILLE ROSE ..... *Petitioners,*

v.

RAYMOND G. AHLERT AND
WILMA G. AHLERT ..... *Respondents.*

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ARKANSAS

The Petitioners pray that a Writ of Certiorari issue to review the Judgment of the Supreme Court of Arkansas entered in this matter on May 30, 1978.

CITATIONS TO OPINION BELOW

The Opinion of the Supreme Court of Arkansas (R. 96-100) is reported in 263 Ark.n140 (Not Designated for Publication, pursuant to Revised Supreme Court Rule 21) and is printed in Appendix A hereto, *infra.* The Order of the Arkansas Supreme Court denying Petition for Rehearing (R. 101) on July 3, 1978 is printed in Appendix B hereto, *infra.*

JURISDICTION

The Judgment of the Supreme Court of Arkansas was entered May 30, 1978. (R. 98) A timely Petition

for Rehearing was denied on July 3, 1978. (R. 101) This Petition for Certiorari was filed within 90 days This Court's jurisdiction is invoked under 28 U.S.C. Section 1257 (3), since this matter involves rights claimed under the Constitution of the United States and the laws of the United States.

QUESTIONS PRESENTED

I.

Whether a real property owner (subsequent Grantee) may collaterally attack an allegedly void Court Decree, and if the denial of this right is a violation of said owner's rights under 42 U.S.A. Section 1982.

II.

Whether an allegedly void Court Decree against a predecessor in title to land is binding against the present grantee, and whether the Court's decision in the affirmative is prohibited by the Fourteenth Amendment (and the Due Process clause therein) to the Constitution of the United States.

III.

Whether the issuance of an Injunction against an innocent party to avoid "temptation" toward some allegedly wrongful conduct or to sooth the anxieties of the parties is within the prohibition contained the "Equal Protection of the laws" clause of the Fourteenth Amendment to the Constitution of the United States.

STATUTORY PROVISIONS INVOLVED

The statutory provision involved is 42 U.S.A., Section 1982. It is printed in Appendix C hereto, *infra.*

CONSTITUTIONAL PROVISIONS INVOLVED

The Constitutional proviisons involved are the Due Process Clause and Equal Protection of Laws Clause of the Fourteenth Amendment to the Constitution of the United States. They are printed in Appendix D hereto, *infra.*

STATEMENT OF THE CASE

Petitioner Ronk bought and paid for eighty acres of land in Sebastian County, Arkansas, by warranty deed in 1953 (R. 36). This tract contained approximately six acres in one corner of same which was open, unimproved and unfenced. In 1970 the Respondents obtained a Deed from other parties to said six acres. In 1973, Respondents secured a Decree in the Sebastian Chancery Court quieting title to said six acres based upon an alleged seven years adverse possession.

In 1974, Petitioner Ronk executed a warranty deed for this six acre tract to her daughter, Petitioner Rose. Suit followed in 1977 by Respondents to quiet title against both Petitioners herein, and for an injunction against transferring either Respondents alleged title or possession of this six acre tract.

At the trial in the Sebastian Chancery Court on September 1, 1977, the original Court file (1973) was introduced as against Petitioner Ronk, but the Court said it was not binding on Petitioner Rose. Proof was introduced that the land was wild, unimproved, and unfenced on three sides and no one was in actual possession.

No tax receipts were offered by Respondents to prove payment (as required by Statute). No Notice to Quiet Title was published (as required by Arkansas law). Respondents apparently relied on the previous 1973 Decree to bind both Petitioners. No proof was offered to show adverse possession by anyone prior to 1970 to support the 1973 Decree.

No proof was offered to show any mis-conduct by

Petitioner Rose. Testimony showed that Mrs. Rose was not the one who recorded the Deed due her, or that she had been upon the land at any time, or had done anything to interfere with or contact the Respondents in any way or at any time. Testimony was offered by Respondent that Petitioner Ronk was seventy-nine years old, and was ill and at home on the day of this hearing in 1977. (R. 61, 74)

Respondent testified that the six acres was open land, that he did not live on it, that he had tried to sell the land and title was turned down because of the "Quit Claim Deed". (R. 82) That he did not have any attorney to examine the title when he secured a Deed to the land. He did not offer any attorney's opinion in regard to the title at the time of said hearing. (R. 83)

No other material was offered by Respondent to show any title to said land as against Petitioner Rose.

The trial Court then proceeded to quiet title as against both Petitioners, issued an injunction against both Petitioners. A timely appeal was made to the Arkansas Supreme Court, the judgment was affirmed, and a Petition for Rehearing was then filed which was denied.

REASONS FOR GRANTING THE WRIT

I.

The decision below apparently denies the right of a property owner to collaterally attack an alleged void Court Decree affecting the Title to his land, in violation of both Title 42, Section 1982, and to the Fourteenth Amendment to the United States Constitution.

Title 42, Section 1982 is a part of our "civil rights statutes", enacted by virtue of and to carry out effectively *two* provisions of the Fourteenth Amendment to the United States Constitution. It provides in part, "All citizens of the United States shall have the same right . . . as enjoyed by white citizens . . . to inherit . . . hold and convey real and personal property". This Statute was evidentally enacted for the Blacks, Japanese, and other races here in the United States, and should also be *good for the White race* as well, in our respectful opinion. Property rights are just as important to elderly people in the United States, for both black and whites, as many rights to personal liberty. These property rights have been upheld by both the Federal and Arkansas Constitutions.

Here, Petitioner Ronk's land was taken from her by a Court Decree in favor of Respondents who only had an alleged Deed for *three* years, based upon *seven* years actual and adverse possession, without Respondents complying with the Arkansas Law requiring publication of notice, and the filing of tax receipts. Mrs. Ronk was disturbed. At that time she could not afford an appeal to the Arkansas Supreme Court so she just deeded whatever rights she had in the six acres to her daughter, Petitioner Rose, in 1974.

The Arkansas Supreme Court in *Stahl vs. Sibeck,* (Ark.) 40 S.W. (2) 442, stated that "a void judgment is always open to attack either direct or collateral." This same rule has been affirmed in numerous other cases involving confirmation decrees and decrees quieting title. In *Hall vs. Melvin,* (Ark.) 35 S.W. 1109, the Arkansas Court ruled that a quiet title decree against "unknown heirs" is void upon collateral attack. In the case at Bar, no notice was even published as against "unknown heirs"!

Also, *Bradley vs. St. Louis Terminal Warehouse Company,* 189 Fed. (2) 818 (Ark. case) affirms this same rule, adding that the decree may be attacked collaterally by the parties or by strangers.

Oyama vs. State of California, 68 Sup. Ct. 269, 332 U. S. 633, is the nearest decision we have seen as to our case at Bar. In that case, a Japanese father, ineligible for naturalization, made a gift by Deed to his son born in this country of real estate in California. The California Courts ruled this transfer illegal. This decision was reversed in the above case, in a ruling to the effect that the California law restricting such transfers of ownership was a violation of the equal protection of laws.

In the *Oyama* case, the Supreme Court emphasized two things, to wit:

(1) The Deed as a gift by the father to his son was good, even though the grantor was an alien.

(2) Only the most exceptional circumstances can excuse discrimination on the basis of racial descent. 8 U.S.C.A. Section 42; United States Constitution Amendment Fourteen.

In our case, we have a white American elderly mother making a Deed by a gift to her daughter of land which she bought and paid for. The alleged defect of title is an alleged void Court Decree quieting title for seven years actual, adverse possession based upon three years ownership as to said land, and in alleged violation of Arkansas law which requires publication of notice for four weeks, filing tax receipts and seven years actual and adverse possession.

In disposing of this issue, the Arkansas Supreme Court only referred to the Petitioner Ronk (the mother) as grounds for affirming the trial Court, and added "suffice it to say that the recited litigation and the Decrees *are now immune from collateral* attack by *either* of appellants."

In view of the above, Petitioners respectfully suggest that it was error to ignore the alleged rights of the grantee daughter to said land, to ignore the merits of the collateral attack by either or both Petitioners, and to not require proof of title as required by law before quieting title in Respondents.

In this Modern Age, with more and more people transferring realty and studying their rights to do so, more and more cases may be brought before the Courts involving this same issue. It is the considered opinion of counsel, that this issue is important to many citizens of the United States, from the highest on down to these humble Petitioners. That members of the White race should be accorded the protection of the civil rights laws of the U. S., just as other races are.

II.

The decision of the Arkansas Supreme Court apparently is a refusal to enforce both the provision of "equal protection of laws" as well as the clause prohibiting taking a person's property without due process of law, as included in the Fourteenth Amendment to the United States Constitution.

This Court has stated many times that a judgment of record in a former action is not admissible in evidence as affecting the rights of any person not a party or privy thereto. *Hale vs. Finch,* 104 U. S. 261, 26 L.Ed 732.

In the case at bar, since the Petitioner Rose is the daughter of, and grantee under her mother, Petitioner Ronk — does that bind her under an allegedly previous void Decree?

This Court has said several times that the modern doctrine is that the *jurisdiction* of a Court to render a judgment affecting individual rights is always open to inquiry when the judgment is relied on in any other proceeding. *Kilbourn vs. Thompson,* 103 U. S. 168, 26 L.Ed. 377; *Earle vs. McVeigh,* 91 U. S. 503, 23 L.Ed. 9398.

The original Court title in the 1973 case between Respondents and Petitioner Ronk only, was introduced in the 1977 case, and was in the record on appeal to the Arkansas Supreme Court. Nowhere does it reflect that Notice was published to Quiet Title, as required by the statute on wild and unimproved land. *Ark. Stats.* 34-1905; 34-1919. Petitioners respectfully suggest that the lack of complying with this statute renders the

Decree on its face as issued *without proper jurisdiction* in the Trial Court.

On the merits of the case, Respondent Ahlert admitted on oath at the hearing in 1977 (R. 80), that he did not live on the land, and that it was unfenced on three sides. No other proof of possession was offered. Petitioners again respectfully urge that this is not proof of *actual* and *adverse possession* of land at anytime.

This Court has repeatedly ruled that title to land cannot be transferred in any other mode not authorized by law. *Greene vs. Biddle,* 21 U. S. 1, 5 L.Ed. 547; *Hornsby vs. U. S.,* 77 U. S. 224, 19 L.Ed. 900. The Arkansas statute on quieting title to land, requires proof of payment of taxes for seven years (*Ark. Stats.* 34-1907). In our case at Bar, Respondents claimed they had tax receipts, but never did produce any or file any with the Court. Certainly, it is elementary that the party setting up title has the burden of furnishing evidence necessary to support it. *Ransom vs. Williams,* 69 U. S. 313, 17 L.Ed. 803.

Petitioners respectfully suggest that in view of the above they believe that they did have a right as property owners under the Fourteenth Amendment to use and control their property, to exclude others from the use of it, and to sue to regain possession from any who try to take it from them illegally. That the prohibition against them doing so is an alleged violation of said constitutional right. *U. S. Lutz,* 295 Fed. (2) 736.

Petitioners respectfully plead that the 1973 Decree was issued without proper juris''ction in the Trial

Court, that it should not be binding on either Petitioner herein, and that Respondents were required to prove title to said land properly in the 1977 hearing. That the record shows that Respondents did not prove any title to their land in the Trial Court, and that the decision of the Arkansas Supreme Court approving same should be reversed.

III.

The decision of the Arkansas Court apparently approved the issuance of an Injunction by the Trial Court in alleged violation of the "Equal Protection clause" of the Fourteenth Amendment to the United States Constitution — without even discussing or referring to it.

This issue was raised in the pleadings, at the trial, and in the Briefs before the Arkansas Supreme Court, but apparently overlooked by that Supreme Court.

Was it important enough to consider? The entire record shows, including testimony of Respondents, that the Petitioner Rose did nothing to justify a Permanent Injunction being issued against her. She did not record her deed, she did not go on the land, she did not contact Respondents. (She said the Attorney for Respondents called her by phone to threaten to sue her "for everything." (R. 73) She said she had never seen the Court Decree against her mother until she came to the Court hearing in September, 1977. (R. 73) She testified as a witness called by ***Respondents!***

This Supreme Court has ruled previously that a Court may not enjoin conduct which is neither threatened nor imminent. *Congress of Racial Equality vs. Douglas,* 318 F. (2) 95, (certiorari denied in 84 S.Ct. 73, 11 L.Ed. (2) 61.) Clearly there was no such conduct by Respondent Rose to justify such an all-inclusive Injunction issued here.

To justify such injunctions, generally, we know that there has to be a *threat* of present misconduct, or *past* misconduct. Federal Courts have ruled that the

"Dramatic and drastic power of Injunctive force may be unleashed only against conditions generating a presently existing actual threat; it may not be used simply to eliminate a possibility or a remote future injury, or a future invasion of rights . . ." *Holiday Inns of America vs. B & B Corp.,* 409 Fed. (2) 614.

Again in *Sierra Club vs. Mason,* 365 F. Supp. 47, the Court said flatly, "Injunctions do not issue to avoid 'temptation' toward some allegedly wrongful conduct nor to soothe the anxieties of the parties." Shouldn't this be the rule in this case?

The Arkansas Supreme Court in *other cases* have discussed a related matter. Apparently they decided in other cases that if a person executes a void deed to another, that this does not in any way harm a pre-existing valid title. In such cases, Equity jurisdiction has been denied on such an issue. In *Brizzolara vs. Fort Smith,* (Ark.) 112 S.W. 181, it said, "Equity will not interfere to remove an alleged cloud upon title to land if the . . . instrument of writing which is alleged to constitute the cloud necessarily shows on its face that it is void." (Same rule in *Beardsley vs. Hill,* (Ark.) 106 S.W. 1169.)

So, if the Deed Petitioner Ronk gave to her daughter was void, this could not affect the title of another, therefore, Equity should not take jurisdiction, especially to issue a Court Injunction against the grantor or grantee. If the deed by Mrs. Ronk to her daughter was valid, and if the previous Court Decree was invalid, then no injunction should have been issued.

In any case, Petitioners respectfully submit that

the issuance of the Injunction was apparently unwarranted, and error. That the action of the Arkansas Supreme Court in overlooking this issue was apparently error. That in doing so, Respondents have been allegedly deprived of their rights under the Fourteenth Amendment to the United States Constitution.

CONCLUSION

Since the Arkansas Supreme Court in this case has apparently ignored the "civil rights law" enacted to protect the rights of citizens to collaterally attack an alleged void court decree, has apparently ignored the right of a subsequent Grantee to protect her rights granted under the Fourteenth Amendment to the United States Constitution, and has apparently overlooked the issuance of an Injunction apparently violating the rights of an innocent party granted under the Fourteenth Amendment to the U. S. Constitution . . . Petitioners respectfully suggest that THREE important questions of substance, *not* heretofore decided by the U. S. Supreme Court, have been decided by the Arkansas Court. Further, that the Supreme Court of Arkansas has apparently decided the questions in a way contrary to the principles established by pertinent decisions of this Court.

Wherefore Petitioners respectfully ask that this Petition for Certiorari be granted.

Respectfully submitted,

FRANKLIN WILDER
Counsel for Petitioners
715 First National Bank Bldg.
Fort Smith, Arkansas 72901

APPENDIX "A"

SUPREME COURT OF ARKANSAS

No. 77-389

Opinion Delivered May 30, 1978

APPEAL FROM SEBASTIAN
CHANCERY COURT
GREENWOOD DISTRICT

Warren O. Kimbrough, Judge

RACHEL AUDREY RONK AND
LUCILLE ROSE, Appellants

vs.

RAYMOND G. AHLERT, ET UX, Appellees

AFFIRMED (R. 96-98)
FRANK HOLT, Associate Justice

This appeal results from the chancellor's decree quieting title to a tract of land in appellees and enjoining appellants from interferring in any manner with appellees' title to the property. We first consider appellants' contention that the chancery court wrongfully assumed jurisdiction of the case because appellees had an adequate remedy at law.

Appellees claimed title to the lands (six acres) as record owners by virtue of a warranty deed dated 1970 and, also, by a 1973 decree quieting title in them as against appellant Ronk. Notwithstanding this unappealed January, 1973 decree, appellant Ronk conveyed title by warranty deed in June, 1974, to her daughter, appellant Rose. Since the deeds involved

appear valid upon their face and the unoccupied lands were wild, unimproved and in possession of neither party, the chancery court had jurisdiction to cancel appellants' deed as a cloud on appellees' title. *Coslin vs. The Crossett Co.,* 233 Ark. 13, 342 S.W.2d 303 (1961); and *Lawrence vs. Vimpleman,* 37 Ark. 643 (1881).

Appellants also assert appellees failed to prove they had title to the lands. The appellees are record owners of the property as tenants by the entirety. Appellee, Mr. Ahlert, testified that he and his wife had acquired the title by warranty deed in 1970 when they purchased the land from Granville and Ada Johnson. The deed was in evidence. Since then he has paid the taxes on the land and had the tax receipts. His wife corroborated his testimony. Appellant Ronk did not testify. Her daughter, appellant Rose, testified that her claim was based only upon her mother's 1974 deed to her. The chancery file of the 1973 quiet title action between the appellees and appellant Ronk was introduced into evidence. This included the Johnsons' warranty deed to appellees. Their title was quieted in the appellees based upon their warranty deed and also adverse possession. It involved the same lands as here and there was no appeal. The chancellor took judicial notice of the court's decree in the prior case holding it binding on appellant Ronk. Suffice it to say that the unappealed 1973 decree conclusively established that appellant Ronk had absolutely no title to the property. Therefore, her 1974 deed to her daughter conveyed nothing and was a nullity. Clearly, the chancellor's finding that title was in appellees, cancelling appellant Rose's deed, and enjoining appellants from further

interference with appellees' quiet use and enjoyment of the property, was not against the preponderance of the evidence.

Appellants persist, however, to collaterally attack the 1973 decree asserting failure to publish notice of the filing of the petition to quiet title for four weeks pursuant to Ark. Stat. Ann. § 34-1905 (Repl. 1962) and the lack of evidence showing that appellees had paid the taxes for seven years pursuant to Ark. Stat. Ann. § 34-1907 (Repl. 1962) rendered the judgment void. It appears that appellant Ronk made these same allegations in her December, 1974 motion to set aside the court's January, 1973 decree. The court denied her motion stating that it had reviewed the "pertinent authorities including Ark. Stat. Ann. Title 27-1901, *et seq.* . . . and finds no basis for vacating, modifying, or setting aside said Decree." The court further found the motion to be untimely. Appellant Ronk did not appeal this later decision. Suffice it to say that the recited litigation and the decrees are now immune from collateral attack by either of appellants.

Affirmed.

We agree: Harris, C.J., and George Rose Smith and Fogleman, JJ.

APPENDIX "B"

LAW OR CHANCERY MANDATE

STATE OF ARKANSAS)
) SCT.
In the Supreme Court)

BE IT REMEMBERED, That at a term of the Supreme Court of the State of Arkansas, begun and held at the Court Room in the City of Little Rock, on the 3rd day, being the first Monday of October, A.D. 1977, amongst others were the following proceedings, to-wit:

On the 3 day of July, A.D. 1978, a day of said term.

Rachel Audrey Ronk and)
Lucille Rose)
APPELLANTS) Appeal from Sebastian
No. 77-389 vs.) Chancery Court
Raymond G. Ahlert et ux) District
APPELLEES)

Rehearing denied.

IN TESTIMONY, That the above is a true copy of the *order* of said Supreme Court, rendered in the case therein stated, I, JIMMY HAWKINS, Clerk of said Supreme Court, hereunto set my hand and affix the Seal of said Supreme Court, at my office in the city of Little Rock, this 12th day of July, A.D. 1978.

JIMMY H. HAWKINS
CLERK

By _____

APPENDIX "C"

Title 42 U.S.C., Section 1982.

"All citizens of the U. S. shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.

APPENDIX "D"

FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

§ 1. (Citizenship — Due process of law — Equal protection.) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX "E"

Arkansas Statutes:

Section 34-1905:

Publication of notice — Upon the filing of such petition the clerk of the court shall publish, on the same day of each week, for four (4) weeks in some newspaper published in the county, if one there be, and if not, then in some newspaper having a circulation in the county, a notice of the filing of the petition describing the land and the calling upon all persons who claim any interest in the land or lien thereon to appear in said court and show cause why the title of the petitioner should not be confirmed. The chancery court within proper county is hereby authorized and empowered under said notice to find apparent existing liens on said real estate to be barred by the laws of limitation or laches, and decree the cancellation of said liens and the records thereof.

Section 34-1907:

Prima facie title. — If the petitioner cannot show a perfect claim of title to any particular tract or tracts of such land, it shall be held to constitute a prima facia (facie) title, if he shall show that he and those under whom he claims have had color of title to the land for more than seven (7) years, and that during that time he or those under whom he claims have continuously paid the taxes thereon.

Section 34-1919

Publication of notice. — The purchaser, or the heirs and legal representatives of purchasers, at all

sales which have been, or may hereafter be made, or the assignees of such purchasers or heirs or legal representatives, may, when such lands are not made redeemable by any of the laws of this State applicable to such sales, or, if redeemable, may at any time after the expiration of the time allowed for such redemption, publish four (4) weeks in succession in some newspaper published in the county where the lands lie, if there be a newspaper published in said county, if not, in the nearest newspaper having a bona fide circulation in said county, a notice calling on all persons who can set up any right to the lands so purchased in consequence of any informality or any irregularity connected with such sale to show cause at the first term of the circuit court of the county, or if there be a separate chancery court in the county, then at the first term of the chancery court after the publication of the notice, why the sale so made should not be confirmed, which notice shall state the authority under which the sale took place and give the description of the land purchased and the nature of the title by which it is held. The last insertion of said notice in the newspaper shall be at least twenty (20) days before the application for confirmation is submitted to the court for trial. Proof of the publication of the said notice shall be made in the same manner as proof of publication of notices in other chancery causes. Provided further, that the Clerk of the court shall notify any delinquent tax owner or owners at their last known address by registered mail at least twenty (20) days before the application for confirmation is submitted to the court for trial.